

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Victory Television Network, Inc.)	
)	MB Docket No. 17-_____
For Modification of the Satellite Television)	CSR: _____
Market for KVTJ-DT, Jonesboro, Arkansas)	
)	
Facility Id. No. 2784)	

PETITION FOR SPECIAL RELIEF

Jim Grant
General Manager
VICTORY TELEVISION NETWORK, INC.

May 30, 2017

TABLE OF CONTENTS

	Page
I. INTRODUCTION AND SUMMARY	1
II. BACKGROUND	3
III. KVTJ SATISFIES THE CRITERIA SPECIFIED BY CONGRESS FOR MODIFYING A STATION’S TELEVISION MARKET	5
A. KVTJ Is Currently and Has Historically Been Carried on Cable Systems Serving the Satellite Communities.....	5
B. KVTJ’s Signal Provides Robust Coverage of the Satellite Communities	6
C. KVTJ Offers Programming of Interest to the Satellite Communities.....	6
D. KVTJ Has a Loyal Viewing Audience Within the Satellite Communities.....	8
E. KVTJ Is Licensed To Jonesboro, Arkansas	9
F. Other Factors Militate in Favor of the Requested Market Modification	9
1. KVTJ Is Geographically Proximate to the Satellite Communities	9
2. KVTJ and the Satellite Communities Are Part of the Same Business Corridor, Geographic Region, and Economic Market.....	10
IV. FEASIBILITY OF PROVIDING KVTJ TO THE SATELLITE COMMUNITIES	12
V. CONCLUSION.....	14

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PETITION FOR SPECIAL RELIEF

I. INTRODUCTION AND SUMMARY

Victory Television Network, Inc. (“VTN”), licensee of KVTJ-DT, Jonesboro, Arkansas (Facility Id. No. 2784) (“KVTJ” or “the Station”), pursuant to the Satellite Television Extension and Localism Act Reauthorization Act of 2014 (“STELAR”)¹ and Sections 76.7 and 76.59 of the Commission’s Rules,² hereby re-files and provides supplemental evidence in support of its request that the Commission modify KVTJ’s local market for purposes of carriage by DIRECTV and DISH.³ Specifically, VTN requests the KVTJ’s market be modified to include the following communities⁴ in Arkansas: Crittenden County, Cross County, Mississippi County, Poinsett

¹ Pub. L. No. 113-200, 128 Stat. 2059.

² 47 C.F.R. §§ 76.7, 76.59.

³ VTN originally filed its request to modify KVTJ’s local market on December 14, 2016. The Petition was dismissed without prejudice by the Media Bureau on April 4, 2017. *In re Victory Television Network, Inc. for Modification of the Satellite Television Market for KVTJ-DT, Jonesboro, Arkansas Facility Id. No. 2784*, Order, DA 17-317 (rel. April 4, 2017) (the “Order”).

⁴ For the purposes of a satellite market modification, a community is defined as a county. FCC, *STELAR Market Modification* at 3, <https://transition.fcc.gov/bureaus/mb/policy/STELAR-Market-Modification.pdf>.

County, and Saint Francis County (the “Arkansas Satellite Communities”), and the following communities in Missouri: Dunklin County, and Pemiscot County (the “Missouri Satellite Communities” and, collectively with the Arkansas Satellite Communities, the “Satellite Communities”).

As demonstrated below, KVTJ is a local television broadcast station that (i) historically has been carried on cable systems serving the Satellite Communities;⁵ (ii) places a predicted noise-limited service contour (NLSC) over the Satellite Communities; (iii) provides programming of special interest to the residents of the Satellite Communities; (iv) has a loyal and long-established audience in the Satellite Communities; and (v) is licensed to a community in the same state as the Arkansas Satellite Communities. Further, there is a significant economic nexus between the Satellite Communities and the Station’s city of license in Jonesboro. Finally, DIRECTV and DISH have not demonstrated that adding the Satellite Communities is technically or economically infeasible.

This Petition is substantially similar to the Petition VTN filed on December 14, 2016. In response to the Order, VTN is re-filing this Petition and submitting additional evidence supporting its request for market modification. Specifically, VTN supplies a detailed map added to Exhibit H hereto that confirms that KVTJ places a noise-limited service contour over the Satellite Communities. The map, which conforms to Section 76.59(b)(1)-(2) of the Commission’s rules, is based on a professional engineering analysis, depicts satellite local receive sites, and is supported by an affidavit. In addition, VTN also supplies additional information that provides context for the viewer contribution records it submitted with its

⁵ In 1999, the Commission granted a market modification request to add communities comprising the Satellite Communities to KVTJ’s market for cable carriage purposes. *In re Petition of Agape Church, Inc. for Modification of Station KVTJ(TV)’s ADI*, Memorandum and Order, CRS-5310-A, DA 99-276 (Feb. 3, 1999) (*Exhibit A*) (“KVTJ MO&O”).

December 14, 2016 Petition.⁶ More precisely, VTN provides data from 2012 to 2016 that lists the total number of donors in each of the counties that comprise the Satellite Communities and calculates donors from the Satellite Communities as a percentage of total donors. That information is submitted as an addition to Exhibit K hereto.

VTN respectfully requests that the Commission modify KVTJ's local market for satellite carriage to include the Satellite Communities.

II. BACKGROUND

KVTJ is a commercial television station operating on digital Channel 48 and licensed to the city of Jonesboro, Arkansas. The Station is assigned by Nielsen to the Jonesboro, Arkansas, Designated Market Area ("DMA").⁷ The Arkansas Satellite Communities that VTN seeks to add to KVTJ's market are assigned by Nielsen to the Memphis, Tennessee DMA.⁸ The Missouri Satellite Communities that VTN seeks to add to KVTJ's market are assigned by Nielsen to the Paducah, KY-Cape Girardeau, MO-Harrisburg, IL DMA.⁹ KVTJ is an independent, Christian station that airs a variety of programming, including "Arkansas Alive," which combines Christian teaching with live interviews of public officials, clergy, and others. KVTJ has long been carried on the cable systems serving the Satellite Communities, in view of its interest and appeal to residents of the Satellite Communities.

Pursuant to section 338 of the Communications Act (and subject to certain requirements), satellite carriers may retransmit the signals of local broadcast television stations into the DMA to

⁶ The Media Bureau has affirmed that viewer contribution records "are responsive to the sixth evidentiary factor and relevant to our consideration of the fifth statutory factor." Order at ¶ 7.

⁷ See Warren Communications News, *Advanced TV Factbook*, A-99, <http://www.tvcablefactbook.com/> (*Exhibit B*).

⁸ *Id.*

⁹ *Id.* at A-730.

which those stations are assigned by Nielsen.¹⁰ Congress recognized, however, that in certain circumstances the DMA may not fully reflect a particular station's market.¹¹ Thus, Congress provided for a market modification mechanism that allows an individual broadcast station, upon a demonstration that the change would "better effectuate" the purposes of the FCC's signal carriage rules, to ask the Commission to include additional communities in its local television market for purposes of satellite carriage. Congress provided a non-exclusive list of five factors for the FCC to consider when evaluating a station's market modification request:

(1) whether the station, or other stations located in the same area, have been historically carried on the (a) cable system or systems within such community or (b) satellite carrier or carriers serving that community;

(2) whether the television station provides coverage or other local service to such community;

(3) whether modifying the local market of the television station would promote consumers' access to television broadcast station signals that originate in their state of residence;

(4) whether any other television station that is eligible to be carried by a satellite carrier in the community in fulfillment of the requirements provides news coverage of issues of concern to the community or provides carriage or coverage of sporting and other events of interest to the community; and

(5) Evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by the multichannel video programming distributors in the community.¹²

As demonstrated fully below, KVTJ satisfies all of these criteria for market modification.

¹⁰ 47 U.S.C. § 338.

¹¹ See STELAR at § 102.

¹² 47 U.S.C. §§ 338(l)(2)(B)(i)-(v).

III. KVTJ SATISFIES THE CRITERIA SPECIFIED BY CONGRESS FOR MODIFYING A STATION'S TELEVISION MARKET

A. KVTJ Is Currently and Has Historically Been Carried on Cable Systems Serving the Satellite Communities

The Commission consistently has concluded that a history of carriage of a station by a cable operator “demonstrates that the relevant cable subscribers value the station and that the subscribers in these communities have been associated with the market of the station as viewers for a considerable period of time.”¹³ On February 3, 1999, the Commission granted KVTJ’s request¹⁴ to modify its market to include communities located in Crittenden, Cross, Dunklin, Mississippi, Pemiscot, Poinsett, and St. Francis Counties.¹⁵ Since that time, KVTJ has been carried on cable systems located in those communities.¹⁶ Today, Comcast, Ritter Communications, and Suddenlink Hughes all carry KVTJ in communities located in Crittenden County.¹⁷ In Cross County, the Station is carried on cable systems provided by Comcast, Ritter Communications, and Eastern Arkansas Video.¹⁸ KVTJ is carried by Ritter Communications and NewWave Communications in Dunklin County.¹⁹ In Mississippi and Poinsett Counties,

¹³ See, e.g., *News Press and Gazette*, 10 FCC Rcd 10331, 10333 (Cable Serv. Bur. 1995); *News Press and Gazette*, 10 FCC Rcd 10327, 10329 (Cable Serv. Bur. 1995); *Time Warner Entertainment Co.*, DA 05-2284 (Media Bur. 2005) (noting that station’s six year history of carriage on cable system and evidence that cable system already carried only other commercial station licensed to station’s community of license was significant).

¹⁴ Agape Church, Inc., Petition for Special Relief, CSR-5310-A (Sept. 11, 1998) (*Exhibit C*). Agape Church, Inc. is the former licensee of the Station; the assignment of KVTJ to VTN was granted on December 14, 2015. See FCC File No. BALCDT-20151014ADS.

¹⁵ KVTJ MO&O.

¹⁶ See *Exhibit D*. Despite the fact that KVTJ’s petition for market modification for cable carriage was granted with respect to communities located in Pemiscot County, Missouri KVTJ is not currently, and has not been historically, carried on a cable system in that county.

¹⁷ See *Exhibit F, G*.

¹⁸ *Id.*

¹⁹ *Id.*

KVTJ is carried on Ritter Communications' cable systems.²⁰ Independence County Cable TV, Suddenlink Hughes, and Eastern Arkansas Video carry the Station in St. Francis County.²¹ KVTJ's record of carriage in all but one of the Satellite Communities by multiple cable operators serving those communities demonstrates that VTN's requested market modification is necessary to ensure that satellite subscribers in the Satellite Communities have access to a station their friends and family have long been accustomed to viewing on cable.

B. KVTJ's Signal Provides Robust Coverage of the Satellite Communities

Parties can satisfy the local service factor of the market modification analysis by showing that a station places a signal contour over the relevant communities.²² Indeed, in approving KVTJ's market modification request for cable carriage, the Commission "place[d] greatest reliance" on this factor.²³ As shown by the attached maps, KVTJ places a NLSC over of the Satellite Communities.²⁴ Thus, consistent with precedent, the fact that KVTJ's over-the-air broadcast signal provides local service to the Satellite Communities should weigh heavily in favor of granting VTN's request for market modification.²⁵

C. KVTJ Offers Programming of Interest to the Satellite Communities

In considering whether a station provides "coverage or other local service" to a

²⁰ *Id.*

²¹ *Id.*

²² See, e.g., *Tennessee Broadcasting Partners*, Order on Reconsideration, 25 FCC Rcd 4857 (Media Bur. 2010); *Cable One Inc.*, DA 05-2652 (Media Bur. 2005); *Arkansas 49, Inc.*, 18 FCC Rcd. 24000 (Media Bur. 2003).

²³ KVTJ MO&O at ¶ 30.

²⁴ See *Exhibit H*.

²⁵ In addition, KVTJ's broadcast signal originates in Arkansas, the state of residence of individuals living in the Arkansas Satellite Communities. This is another factor in support of VTN's request for market modification.

community, the Commission also will consider a “station’s broadcast of local programming, which has a distinct nexus to the [satellite] communities.”²⁶ As established below and by the exhibits attached hereto, KVTJ airs programming of local interest to the Satellite Communities.²⁷

KVTJ does not air traditional news, sports, or weather programming. Instead, the Station is part of a regional network of stations owned by VTN that air programming designed to spread Christian teaching via a diverse variety of religious programming. One such program is “Arkansas Alive,” which is produced in Arkansas and which combines Christian teaching with live interviews and news. The program features Pastor Happy Caldwell as he explains Biblical teaching and explores issues of interest to the Satellite Communities. The interview portion of the program features a variety of guests, including state officials like Arkansas State Senator Jason Rapert and Arkansas Attorney General Leslie Rutledge.²⁸ Mr. Rapert discussed the Arkansas Ten Commandments Monument Act and Ms. Rutledge addressed the U.S. Supreme Court’s ruling on same-sex marriage. Pastor Caldwell also conducts “hyper-local” interviews with individuals who hail from the Satellite Communities. For example, Pastor Caldwell has interviewed Pastor Eddie Passmore of the First Assembly of God Church in Poinsett County, Arkansas. The discussion explored Pastor Passmore’s efforts to unite the faith community across denominational barriers. In another episode of Arkansas Alive, Pastor Caldwell interviewed

²⁶ *Frontiersvision Operating Partners, L.P.*, 16 FCC Rcd 17745, 17753 (Cable Serv. Bur. 2001); see *CoxCom, Inc.*, DA 05-2248 (Media Bur. 2005).

²⁷ KVTJ notes that it need not establish that other stations that are carried on cable systems serving the Satellite Communities fail to provide local programming. The Commission has found that “this criterion was intended to enhance a station’s claim where it could be shown that other stations do not serve the communities at issue” and is relevant in proceedings involving requests to add communities to a station’s must-carry market only when the station does not itself provide any local service. See, e.g., *Pappas Telecasting Inc.*, 11 FCC Rcd 6102, 6107 (Cable Serv. Bur. 1996).

²⁸ See *Exhibit I*.

Steven McCracken of Shepard's Fold Ministry in Dunklin County, Missouri about helping men with addictions through building their relationship with Jesus Christ.²⁹ Another episode featured an interview with Millie Lace, the founder of an abortion recovery and crisis pregnancy helpline based in Cross County, Arkansas.³⁰

As demonstrated herein, the Station's programming evidences its commitment to providing locally-responsive programming to the Satellite Communities in accordance with its mission. The level of service that KVTJ provides is consistent with that which the FCC has previously found adequate to satisfy the local service requirement.³¹ Accordingly, KVTJ should be found to satisfy the criterion of providing local service to the Satellite Communities.

D. KVTJ Has a Loyal Viewing Audience Within the Satellite Communities

Viewers in the Satellite Communities have long turned to KVTJ as a source of inspirational, Christian-centric programming. The Station does not subscribe to Nielsen, but consistently receives letters and emails from its viewers asking the Station's Prayer Team to pray for their needs or praising the Station for its programming and teaching. Attached hereto are examples of such correspondence from each of the Satellite Communities.³² In addition, the Station receives a substantial number of donations from individuals living in the Satellite Communities; over a third of all donations received by the Station are from the Satellite Communities.³³ These donations are made by individuals who value KVTJ's programming and

²⁹ *Id.*

³⁰ *Id.*

³¹ See, e.g., *Paxson New York License, Inc.*, 14 FCC Rcd 7715, 7721 (station's production of a weekly public affairs program that occasionally focused on the communities it sought to add to its market was sufficient to warrant a finding of local service), *rev'd on other grounds sub nom., Petition of Community Television Systems, Inc.*, 15 FCC Rcd 7275 (2000).

³² See *Exhibit J*.

³³ See *Exhibit K*.

services, and who want to see them continue.

As shown herein, KVTJ is of great value to viewers in the Satellite Communities, a fact that should weigh strongly in favor of market modification. Moreover, the Commission has acknowledged that religious stations like KVTJ add to program diversity even though they may attract limited audiences.³⁴

E. KVTJ Is Licensed To Jonesboro, Arkansas

In STELAR, Congress included a factor requiring consideration of access to television stations that are located in the same state as the community considered for modification.³⁵ The Commission affirmed that “a petitioner will be afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community.”³⁶ KVTJ’s community of license is Jonesboro, Arkansas. As such, the Station is licensed to a community within the same state as the Arkansas Satellite Communities and satisfies the in-state factor with regard to those communities.³⁷

F. Other Factors Militate in Favor of the Requested Market Modification

1. KVTJ Is Geographically Proximate to the Satellite Communities

In addition to the other statutory factors discussed above, the FCC takes into account the geographic proximity between a station seeking market modification and the communities at

³⁴ KVTJ MO&O at ¶ 29; *see also, e.g., Time Warner Cable, Albany, New York*, 10 FCC Rcd 936, 938 (1995), *quoting First Report and Order in Docket 20553*, 58 FCC2d 442, 452 (1976), *recon. denied*, 60 FCC2d 661 (1976).

³⁵ Pub. L. No. 113-200, 128 Stat. 2059.

³⁶ *In re Amendment to the Commission’s Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014*, Report and Order, 30 FCC Rcd 10406, 10420 (rel. Sept. 2, 2015) (“*Market Modification Report & Order*”).

³⁷ That KVTJ does not satisfy the in-state factor with regard to the Missouri Satellite Communities should not adversely affect its request for market modification. The Commission characterizes the in-state factor as an “enhancement,” not a “trump card.” *Id.* at 10421.

issue.³⁸ The distances (and driving times) between the Satellite Communities and the Station are well within the range that the FCC has found acceptable in adding communities to stations' markets or, analogously, in declining to delete communities from stations' markets.³⁹ For example, KVTJ's transmitter site on State Highway 214 in Trumann, Arkansas is just 36.3 miles from a mid-point in Cross County, Arkansas, which is part of the Memphis, Tennessee DMA.⁴⁰ KVTJ's transmitter site is actually located in Poinsett County, also part of the Memphis DMA.⁴¹ At most, KVTJ's transmitter site is 90 miles from Pemiscot County, Missouri, well within the range the FCC has found acceptable.⁴²

2. *KVTJ and the Satellite Communities Are Part of the Same Business Corridor, Geographic Region, and Economic Market*

Numerous factors elucidate the significant economic nexus between the Satellite Communities and Jonesboro, the Station's city of license. First, Jonesboro is connected to the Satellite Communities by major thoroughfares, including Interstate I-555 and numerous Arkansas state highways, making it easy for residents to traverse back and forth for purposes of work, education, shopping, governmental affairs, and entertainment. Studies show that there is

³⁸ See, e.g., *Market Modifications and the New York Area of Dominant Influence*, 12 FCC Rcd 12262, 12268-69 (1997) (upholding Cable Services Bureau's consideration of the distance between stations and communities in determining coverage).

³⁹ E.g., *KNTV License, Inc.*, DA 01-706, CSR-5624-A (Cable Serv. Bur. 2001) (adding communities that were 35-55 miles away); *Paxson Atlanta License, Inc.*, 13 FCC Rcd 20087 (1998) (adding communities that were 50 miles away); *Burnham Broadcasting, Inc.*, 10 FCC Rcd 7117 (1997) (adding a community that was 48 miles away); *Time Warner Cable*, 11 FCC Rcd 8047 (1996) (refusing to delete communities that were 60 miles away); *Cablevision Systems Corporation*, 11 FCC Rcd 6453 (1996) (refusing to delete communities that were 48-55 miles away); *Time Warner Cable*, 11 FCC Rcd 3510 (1996) (refusing to delete communities that were 45 miles away).

⁴⁰ See *Exhibit L*.

⁴¹ *Id.*

⁴² *Id.*; see also, e.g., *Busse Broadcasting Corp.*, 11 FCC Rcd at 6416, 6422-25 (adding communities that were between 45 and 100 miles away).

significant commuter traffic between the Satellite Communities and Jonesboro.⁴³

Second, many of the Satellite Communities are considered part of the Jonesboro labor market area and primary trade area.⁴⁴ In fact, Cross, Crittenden, Dunklin, Mississippi, and Poinsett Counties make up of 40 percent of the civilian labor force in the Jonesboro labor market.⁴⁵ Similarly, the populations of Cross, Mississippi, Poinsett, and Dunklin Counties comprise a quarter of the population of the Jonesboro primary trade area.⁴⁶ In addition, significant numbers of residents of the Satellite Communities commute to Jonesboro for work.⁴⁷

Third, KVTJ's community of license has long been an educational and shopping hub for residents of the Satellite Communities. Jonesboro is the home of Arkansas State University. The university, with an enrollment over 14,000, is the "pride of Jonesboro" and fuels the region's vibrant economy.⁴⁸ ASU is the alma mater of many individuals living in the Satellite Communities. In addition, the Satellite Communities are largely rural, and Jonesboro offers a wide assortment of shopping options ranging from hunting supply outlets to boutique clothing stores.

In sum, these factors provide strong indicia of a significant economic nexus between the Station's community of license and the Satellite Communities.

⁴³ Jonesboro Regional Chamber of Commerce (Jonesboro Unlimited), *Jonesboro, Arkansas* at 7-11 (November 2016) (*Exhibit M*).

⁴⁴ *Id.* at 2, 6.

⁴⁵ *Id.* at 6.

⁴⁶ *Id.* at 2.

⁴⁷ *Id.* at 7-11.

⁴⁸ Jonesboro Regional Chamber of Commerce, Colleges and Universities, <http://www.jonesborochamber.com/economic-development/colleges-and-universities>.

IV. FEASIBILITY OF PROVIDING KVTJ TO THE SATELLITE COMMUNITIES

Prior to filing this Petition, KVTJ sent DIRECTV and DISH pre-filing coordination letters on March 31, 2016. DIRECTV responded on June 27, 2016⁴⁹ and DISH responded on June 10, 2016.⁵⁰ DIRECTV's response was relatively straight-forward and included a list of zip codes not covered by the satellite provider's Jonesboro spot beam. An analysis of that list indicates that most of the Satellite Communities—specifically, Saint Francis, Cross, Poinsett, and Dunklin Counties⁵¹—are at least two-thirds covered by DIRECTV's spot beam.⁵² DIRECTV's response did not indicate that providing KVTJ to any of the Satellite Communities would be economically infeasible.

DISH's response was more complicated, in part because DISH carries KVTJ on spot beams on two different satellites, one located at the 129° W.L. orbital slot (the “Western Arc Spot Beam”) and the other located at the 61.5° W.L. orbital slot (the “Eastern Arc Spot Beam”).⁵³ According to DISH, whether subscribers located in the Satellite Communities are able to receive KVTJ depends, in part, on the spot beam at which a subscriber's satellite dish is pointed.⁵⁴ DISH's response indicated that the following counties are fully covered by its Eastern Arc Spot Beam: Cross, Poinsett, Mississippi, Dunklin, and Pemiscot. In addition, Crittenden County is

⁴⁹ Letter from DIRECTV to Jim Grant (June 27, 2016) (*Exhibit N*).

⁵⁰ Letter from DISH to Jim Grant (June 10, 2016) (*Exhibit O*).

⁵¹ DIRECTV claims that Crittenden, Mississippi and Pemiscot Counties are not covered by the relevant spot beam. Letter from DIRECTV to Jim Grant (June 27, 2016) at 3-4.

⁵² As the FCC has explained, if carriage is viable within portions of a community subject to a modification request, then the relevant satellite carrier is required to carry the station in those areas. *Market Modification Report & Order* at 10434 (“We conclude that, if a satellite carrier can provide the station to only part of a new community, then it must do so.”).

⁵³ See Letter from DISH to Jim Grant at 1.

⁵⁴ *Id.*

partially covered by the Eastern Arc Spot Beam. DISH's letter further indicated that Dunklin and Pemiscot counties are fully covered by the Western Arc Spot Beam, while Poinsett and Mississippi counties are partially covered.⁵⁵ DISH stated that St. Francis County is not covered by either spot beam. To the extent DISH claims that it is technically infeasible to provide KVTJ to (1) the remainder of Crittenden, Poinsett and/or Mississippi counties, or (2) St. Francis County, DISH should be required to provide additional details as to its methodology for determining spot beam coverage.

Unclear from DISH's response is whether the satellite television provider is claiming that it is economically infeasible to provide KVTJ to subscribers in the Satellite Communities with equipment pointed at the Eastern Arc or Western Arc Satellites.⁵⁶ DISH notes that "Receiving service from orbital slots not planned for in the original equipment installation at the subscriber's home typically would require DISH to send a truck and technician to adjust equipment or install different equipment, which would impose a very substantial cost burden on DISH."⁵⁷ However, DISH does not quantify this "cost burden" and does not provide any information to suggest it has evaluated the actual number of subscribers that would require equipment changes in order to

⁵⁵ According to DISH, Dunklin and Pemiscot counties are fully covered by both the Eastern Arc Spot Beam and the Western Arc Spot Beam. *Id.* at 4.

⁵⁶ DISH makes this argument more explicitly with regard to subscribers in the Satellite Communities who have satellite dishes not pointed to receive satellite signals from any satellite that currently transmits KVTJ. *Id.* at 2. Even there, however, DISH only vaguely refers to a "subset of subscribers" with this potential issue. It does not quantify the number of subscribers affected before going on to conclusively state that it would be economically infeasible for such subscribers to receive KVTJ "because DISH would need to send a truck and a technician to each such subscriber's home to re-point or replace the satellite antenna, and might also need to provide a different set-top box." In order to deny KVTJ carriage based on economic infeasibility, DISH should be required to specify how many subscribers would be affected and the actual cost that would be incurred by DISH to effectuate necessary equipment modifications.

⁵⁷ *Id.* at 1.

receive KVTJ.⁵⁸ To the extent DISH is claiming economic infeasibility, it should be required to quantify the magnitude of the burden both in terms of the number of subscribers affected by equipment changes and the actual cost involved in effectuating those changes.

V. CONCLUSION

As demonstrated above, KVTJ has a significant record of historic carriage in the Satellite Communities, provides a NLSC over the Satellite Communities, and offers locally-tailored programming of interest to residents of the Satellite Communities. Other factors, including the economic characteristics of the geographic area at issue, also weigh heavily in favor of the requested market modification. Accordingly, VTN respectfully requests that the Commission modify KVTJ's television broadcast market to include the Satellite Communities.

Respectfully submitted,

VICTORY TELEVISION NETWORK, INC.

By: 
Jim Grant
General Manager

Dated: May 30, 2017

⁵⁸ See also *In re Gray Television Licensee, LLC for Modification of the Satellite Television Market for WSAW-TV, Wausau, Wisconsin*, Memorandum Opinion and Order, MB Dkt. No. 16-293, DA 17-74 (rel. Jan. 17, 2017) at ¶¶ 18-20 (explaining that operational and billing changes, along with the need to provide limited numbers of subscribers with new set top boxes or dish antennas, are insufficient to support a claim of infeasibility).

DECLARATION OF JIM GRANT

I, Jim Grant, am General Manager of Victory Television Network, Inc., the licensee of KVTJ(DT), Jonesboro, Arkansas. I hereby declare under penalty of perjury that I have reviewed the foregoing Petition for Special Relief and that, to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law.

Jim Grant

A handwritten signature in black ink, appearing to read "Jim Grant", is written over a horizontal line.

May 30, 2017

CERTIFICATE OF SERVICE

I, Jim Grant, hereby certify that on this 30th day of May 2017, I instructed that copies of the foregoing "Petition for Special Relief" be mailed via first-class postage prepaid mail to the following:

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WBUY
General Manager
3447 Cazassa Rd
Memphis, TN 38116

WTWV
General Manager
6080 Mount Moriah Ext.
Memphis, TN 38115

KBSI
General Manager
806 Enterprise St.
Cape Girardeau, MO 63703

WPXX
General Manager
3145 Brother Boulevard
Bartlett, TN 38133

WMC
General Manager
1960 Union Avenue
Memphis, TN 38104

WPXX
General Manager
3145 Brother Boulevard
Bartlett, TN 38133

WKPD
General Manager
600 Cooper Dr.
Lexington, KY 40502

WSIU
General Manager
1100 Lincoln Drive
Communications Bldg, SIUC Room 1003
Carbondale, IL 62901

WMAV
General Manager
3825 Ridgewood Road
Jackson, MS 39211


Jim Grant

TABLE OF EXHIBITS

No.	Title
A	<i>In re Petition of Agape Church, Inc. for Modification of Station KVTJ(TV) 's ADI, Memorandum Opinion and Order, CRS-5310-A, DA 99-276 (Feb. 3, 1999)</i>
B	Jonesboro, Arkansas DMA, Warren Communications News, <i>Advanced TV Factbook</i> , A-99, http://www.tvcablefactbook.com/
C	Agape Church, Inc., Petition for Special Relief, CSR-5310-A (Sept. 11, 1998)
D	Evidence of Historic Cable Carriage in the Satellite Communities
E	<i>Intentionally Omitted</i>
F	Evidence of Current Cable Carriage in the Satellite Communities – Advanced TV Factbook
G	Evidence of Current Cable Carriage in the Satellite Communities – Cable TV Listings
H	KVTJ Noise-Limited Service Contour Map
I	Sample of Programming of Interest to the Satellite Communities
J	Correspondence from KVTJ Viewers Located in the Satellite Communities (redacted)
K	List of KVTJ Donors Located in the Satellite Communities (redacted)
L	Driving Distances Between Select Locations in the Satellite Communities and KVTJ's Transmitter Site
M	Jonesboro Regional Chamber of Commerce (Jonesboro Unlimited), <i>Jonesboro, Arkansas</i> (November 2016)
N	Letter from DIRECTV to Jim Grant (June 27, 2016)
O	Letter from DISH to Jim Grant (June 10, 2016)

Agency Tracking ID:PGC2956203
Authorization Number:05917D
Successful Authorization -- Date Paid:
5/30/17
FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX #979089	FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE FORM 159 PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY
SECTION A - Payer Information		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)		(3) TOTAL AMOUNT PAID (dollars and cents) \$1495.00
(4) STREET ADDRESS LINE NO. 1		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY	(7) STATE	(8) ZIP CODE
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE)		(10) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(11) PAYER (FRN)		(12) FCC USE ONLY
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME Victory Television Network, Inc.		
(14) STREET ADDRESS LINE NO. 1 P.O. Box 26207		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY Little Rock	(17) STATE AR	(18) ZIP CODE 72221-6207
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 501-2232525		(20) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(21) APPLICANT (FRN) 0024969552		(22) FCC USE ONLY
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) FCC Call Sign/Other ID KVTJ-DT	(24A) Payment Type Code(PTC) TQC	(25A) Quantity 1
(26A) Fee Due for (PTC) \$1,495.00	(27A) Total Fee \$1495.00	FCC Use Only
(28A) FCC CODE 1 Jonesboro,AR	(29A) FCC CODE 2 X	

(23B) FCC Call Sign/Other ID	(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)	(27B) Total Fee	FCC Use Only
(28B) FCC CODE 1	(29B) FCC CODE 2	